Remarks

The Examiner has indicated that the information disclosure statement filed on June 13th, 2006 fails to fully comply with the provisions of 37 CFR 1.97 because copies of the references associated with the international search report were not provided to the US PTO by the international authority. In order to avoid unnecessary expenses, the Applicant has elected not to submit copies of DE 3 516 536, DE 3 626 183, and GB 1 001 768, since these documents are considered background art not relevant to the patentability of the invention as claimed. The EP 0 807 501 reference has been considered by the Examiner in rejection of the claims.

Claims 13 through 27 stand rejected under 35 USC 102(b) as being anticipated by EP '501. Claims 13 through 27 stand rejected under 35 USC 103(a) as being unpatentable over Lehmann '345. With regard to both the 35 USC 102(b) and 35 USC 103(a) rejections, the Examiner points out that the language of claim 13 does not positively set forth connecting elements and as such the elements recited in the respective prior art references can overlap in any particular fashion, thereby reading on the intended orientation language of lines 11 through 15 of claim 13.

In response to these rejections, the Applicant has amended claim 13 to positively recite first and second connecting means disposed within the first and second ducts, respectively. This language was extracted from former claim 23, which has been amended accordingly. In so doing, the Applicant has addressed the principal issue regarding the 35 USC 102(b) rejection, thereby obviating this rejection. In any event, the EP '501 reference provides no teaching of interaction between a round hole and a slot for each respective connecting element, as is clearly required by the current claim language. On the contrary, EP '501 only teaches connecting slots with slots and round holes with round holes.

With regard to the 35 USC 103(a) rejection over the Lehmann '345 reference, the Examiner has associated the first bolt with reference symbol 13 of Lehmann, the first elongated hole with reference symbol 25, the first round hole with 26, the second transverse bolt with 22, and both the second elongated hole as well as the second round hole with reference symbols 24. The Examiner indicates it would have been obvious to provide the bolt element 22 of Lehmann with either or both round or slotted holes in order to allow for alternative or versatile arrangements within the form assembly. The Applicant respectfully disagrees with this interpretation of the Lehmann reference for the following reason.

Although Lehmann does disclose round holes 26 in first bolt 13, those round holes 26 do not interact with the second bolt of Lehmann as required by the claim language, rather are used to connect together neighboring form assembly modules 11. Therefore, limitations in the invention as claimed are missing from the Lehmann reference. In any event, it would not obvious to one of average skill in the art to replace the slotted holes of Lehmann with round holes in the manner claimed for the following reasons.

The Lehmann structure comprises U-shaped ribs 13 having sideward rib holes 26, rib slots 25 and upper plate slots 27 (see figure 4). The U-shaped vertical ribs are welded to a flexible skin plate 12 at spaced apart locations (see Lehmann column 5 lines 20 to 25). The curvature of the molding elements is defined by curved angle 22 having holes or slots 24. The holes or slots are originally punched into a straight member 22 and that member subsequently bent to the curvature required for the form work thereby generating curved angles 22. In the embodiment shown in figure 4, the slots 27 and 25 in ribs 13 are oriented in a longitudinal sense and the slots 24 in angle 23 are oriented transverse thereto.

Therefore, when the U-shaped rip 13 is bolted onto the curved angle 22, the slots 27 and 25 cross the corresponding slots 24 in curved angle 22. Since the orientation of the slots 27 and 25 is transverse to the orientation of slots 24, their overlap defines an opening for a bolt which allows for tolerances in the position of the U-shaped ribs 13 in consequence of welding errors during attachment to flexible skin plate 12 as well as errors in the positions of the longitudinal holes 24 in curved angle 22 in consequence of distortions during the bending process (explicitly pointed out by Lehmann in column 6 lines 3 to 10). One of average skill in the art, aware of the entire teachings of the Lehmann reference, would not be motivated to replace the longitudinal slots 27, 25, and 24 of Fig. 4 with round holes, since that would reduce the ability of Lehmann to compensate for welding errors and errors associated with distortion of the angle plate 22 during bending. In any event, Lehmann cannot be viewed as providing any motivation for the particular geometry recited in claim 13 which necessitates interaction between a slot on the first transverse bolt with a hole on the second transverse bolt and vice versa.

The invention as claimed recites structure facilitating generation of a curved concrete form work whose angle of curvature can be adjusted along the travel of the first and second elongated holes. In the preferred embodiment of claim 22, the elongated holes are curved in a shape corresponding to a rounded shape of the concrete wall. In the preferred embodiment of claim 23, a spindle cooperates with the first and second connecting means. In these embodiments, the curvature of the wall can be easily changed by adjusting a separation between the first and second connecting means. The basic geometry facilitating such advantageous embodiments is, however, defined by the recitations of claim 13. The invention is therefore sufficiently distinguished from the prior art of record to warrant patenting in the United States. The Applicant requests passage to issuance.

No new matter has been added in this amendment.

Respectfully submitted,

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